

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joseph Anthony Favors,

Civ. No. 24-2709 (JWB/LIB)

Plaintiff,

v.

Mike Lanin, *Individual and Official Capacity as Security Lead CPS of MSOP*;
Jodi Harpstead, *Individual and Official Capacity as Commissioner DHS/MSOP*;
and Nancy Johnston, *Individual and Official Capacity as Executive Director of DHS/CPS of MSOP, and Successor in Office*,

Defendants.

**ORDER ACCEPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE**

United States Magistrate Judge Leo I. Brisbois issued a Report and Recommendation (“R&R”) on March 4, 2025. (Doc. No. 36.) No objections have been filed to that R&R in the time permitted. Absent timely objections, the R&R is reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996). Having reviewed the R&R, no clear error is found.

Based on the R&R of the Magistrate Judge, and on all the files, records, and proceedings in this case, **IT IS HEREBY ORDERED** that:

1. The March 4, 2025 Report and Recommendation (Doc. No. 36) is **ACCEPTED**;
2. Defendants’ Motion to Dismiss (Doc. No. 21) is **GRANTED in part** and

DENIED in part, as set forth in the R&R;

3. Plaintiff's § 1983 claims for monetary damages against all Defendants in their "official capacity" are **DISMISSED with prejudice**;

4. Plaintiff's § 1983 claims for injunctive relief against Defendants Harpstead and Johnston in their "official capacity" are **DISMISSED without prejudice**;

5. Plaintiff's § 1983 claims against Defendants' Harpstead and Johnston in their "individual capacity" (regardless of the relief sought) are **DISMISSED without prejudice**;

6. Plaintiff's § 1983 First Amendment retaliation claim seeking injunctive relief against Defendant Lanin in his "official capacity" is **DISMISSED without prejudice**;

7. Plaintiff's § 1983 First Amendment retaliation claim against Defendant Lanin in his "individual capacity" (regardless of the relief sought) is **DISMISSED without prejudice**;

8. Plaintiff's § 1983 Eighth Amendment retaliation claim for injunctive relief against Defendant Lanin in his "official capacity" is **DISMISSED with prejudice**;

9. Plaintiff's § 1983 Eighth Amendment retaliation claim against Defendant Lanin in his "individual capacity" (regardless of the relief sought) is **DISMISSED with prejudice**;

10. Plaintiff's § 1983 Equal Protection claim seeking injunctive relief from Defendant Lanin in his "official capacity" is **DISMISSED without prejudice**;

11. Plaintiff's § 1983 Equal Protection claim against Defendant Lanin in his "individual capacity" (regardless of the relief sought) is **DISMISSED without prejudice**; and

12. Plaintiff's state law claims are **DISMISSED without prejudice**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Date: April 9, 2025

s/Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge